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In re Application of:	:	
KOHASHI, Yasuo, et al.	:	
U.S. Application No.: 09/856,634	:	DECISION
PCT No.: PCT/JP99/06590	:	
International Filing Date: 25 November 1999	:	
Priority Date: 26 November 1998	:	
Attorney's Docket No.:HYAE:113	:	
For: IMAGE PROCESSING DEVICE	:	

This decision is issued in response to applicants' "Notification Of Prior Submission Of Original Executed Declaration" filed 23 June 2003 and resubmitted on 12 November 2003, which has been treated as a petition under 37 CFR 1.181 to confirm the filing of an executed declaration on 29 June 2001. No petition fee is required.

BACKGROUND

On 25 November 1999, applicants filed international application PCT/JP99/06590 which claimed a priority date of 26 November 1998 and which designated the United States. On 02 June 2000, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 26 May 2001.

On 24 May 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 17 June 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 23 June 2003, applicants filed the "Notification Of Prior Submission Of Original Executed Declaration" considered herein (an additional copy of this submission was filed on 12 November 2003). The submission asserts that an executed declaration was filed on 29 June 2001; the present filing includes a copy of the declaration and a stamped return postcard which itemizes the declaration, identifies the present application, and bears a USPTO receipt stamp dated 29 June 2001.

DISCUSSION

Based on applicants' statements and the stamped return postcard, it is concluded that the declaration included with the present submission was filed on 29 June 2001. The Notification Of Missing Requirements mailed 17 June 2003, based as it was on applicants' purported failure to file an oath or declaration, is therefore appropriately vacated.

The declaration filed on 29 June 2001 is in compliance with the requirements of 37 CFR 1.497.

CONCLUSION

Applicants' petition is **GRANTED**. The declaration accompanying the present submission will be treated as having been filed on 29 June 2001.

The Notification Of Missing Requirements mailed 17 June 2003 is hereby **VACATED**.

The declaration filed by applicant on 29 June 2001 is accepted in compliance with 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The 35 U.S.C. 371(c) date is 29 June 2001.



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